

THE ASBM UNIVERSITY, ODISHA ACT 2019

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The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1749, CUTTACK, THURSDAY, SEPTEMBER 12, 2019 / BHADRA 21, 1941

LAW DEPARTMENT
NOTIFICATION
The 12th September, 2019

No.9431–I-Legis-12/2019/L.— The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 7th September, 2019 is hereby published for general information.

ODISHA ACT 4 OF 2019
THE ASBM UNIVERSITY, ODISHA ACT, 2019

AN
ACT

TO PROVIDE FOR ESTABLISHMENT AND INCORPORATION OF A PRIVATE UNITARY UNIVERSITY IN THE STATE IN THE NAME OF ASBM UNIVERSITY, ODISHA AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

BE it enacted by the Legislature of the State of Odisha in the Seventieth Year of the Republic of India as follows, namely: -

CHAPTER 1

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the ASBM University, Odisha Act, 2019.
- (2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, —
 - (a) “Academic Council” means the Academic Council of the University constituted under section 10;
 - (b) “Annual Report” means the Annual Report of the University as explained in section 41;
 - (c) “Board” means the Board of Governors of the University constituted under section 9;
 - (d) “Dean” means Deans of Schools as provided in section 19;

- (e) "Employee" means employee appointed by the University and includes teachers and other staff of the University;
- (f) "Endowment Fund" means Endowment Fund of the University as explained in section 38;
- (g) "Faculty" mean faculty members of the University;
- (h) "Finance Officer" means Finance Officer of the University as explained in section 20;
- (i) "General Fund" means General Fund of the University as explained in section 39;
- (j) "Off-Campus Centre" means a centre of the University, established by it outside the main campus (within or outside the State) operated and maintained as its constituent unit, having the University's complement of facilities, faculty and staff as per Regulation 2.2 of UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003;
- (k) "prescribed" means prescribed by the Regulations;
- (l) "President" means President of the University as explained in section 15;
- (m) "Registrar" means Registrar of the University as explained in section 18;
- (n) "Regulations" means Regulations of the University made under section 26;
- (o) "Regulatory Body" means a body established by or under a Central Act or State Act for laying down norms and conditions for ensuring standard of higher education such as University Grants Commission, and other such body or bodies established by the Central or the State Government for the purpose;
- (p) "Rules" mean the Rules of the University made under section 23;
- (q) "School" means the constituent unit of the University as provided in clause (ix) of section 4;
- (r) "Sponsoring Body" means the ASBM Trust;

- (s) "State" means the State of Odisha;
- (t) "State Government" means the Government of Odisha;
- (u) "Trust" means the ASBM Trust, registered under the Indian Trust Act, 1882; 2 of 1882.
- (v) "UGC" means the University Grants Commission established under the University Grants Commission Act, 1956; 3 of 1956.
- (w) "University" means the ASBM University, Odisha, established and incorporated as a University under this Act; and
- (x) "Vice-Chancellor" means Vice-Chancellor of the University as explained in section 16.

CHAPTER 2

THE UNIVERSITY

Establishment
and
Incorporation.

3. (1) Subject to the provisions of this Act, the State Government may, by notification, establish a unitary, self financing University by the name of the ASBM University, Odisha after the Endowment Fund is set up by the Sponsoring Body in accordance with the provisions of section 38.
- (2) The Sponsoring Body shall, –
 - (i) assign the existing campus of Asian School of Business Management situated in the land measuring five acres at Mouza Andharua, PS – Chandaka, Tahasil – Bhubaneswar in the district of Khurdha along with built-up area of approximately 28,547 sq. mtrs., which includes administrative building and academic building, hostels, guest house, auditorium, library, computer lab etc., and shall provide minimum fifteen acres of land in Mouza Ratagarh Lenkasahi, PS – Baranga, Tahasil – Baranga in the

district of Cuttack, which shall be the campus of the University;

(ii) assign books, journals, equipments, computers, furniture, other movable and immovable assets and infrastructure facilities other than buildings referred to in clause (i) located in the existing campus of Asian School of Business Management referred to in clause (i); and

(iii) establish an Endowment Fund of rupees five crores as explained in section 38.

- (3) The Sponsoring Body, after fulfilment of the requirements and conditions specified in sub-section (2), shall make a report of compliance to the State Government.
- (4) The State Government, if satisfied after considering the compliance report submitted by the Sponsoring Body under sub-section (3), that the provision of sub-section (2) has been complied, may issue notification under sub-section (1) to establish the University with the description of location, jurisdiction and such other conditions as may be specified in this behalf.
- (5) On and from the date of issue of such notification, it shall be deemed to have been established and incorporated as a University by the name of ASBM University, Odisha.
- (6) The notification issued under sub-section (1) shall be laid before the State Legislature for a period of fourteen days comprising one session or more than one session thereof.
- (7) The University shall be a body corporate having perpetual succession and common seal with powers, subject to the provisions of this Act, to acquire, own and dispose of property, and to contract and to do all things necessary for the purposes of this Act and shall sue and be sued by the same name.
- (8) In all the suits and other legal proceedings by or against such University, the pleadings shall be signed and verified by the

Registrar and all processes in such suits and proceedings shall be issued to and be served on the Registrar.

- (9) The University shall be located at Mouza Andharua, PS Chandaka, Tahasil Bhubaneswar in the district of Khurdha and in the Mouza Ratagarh, Lenkasahi P.S and Tahasil - Baranga, District - Cuttack.

Objects of the University.

4. The objectives for which the University is established are as follows: –
- (i) to disseminate and advance knowledge by providing academic and research facilities in such branches of learning which include Management, Law, Education, Skill Education and Training and in other fields as it may deem fit;
 - (ii) to institute Degrees, Diplomas, Charters, Certificates and other academic distinctions on the basis of examination or any other methods of evaluation;
 - (iii) to collaborate with other colleges, universities, research institutions, industry associations, professional bodies or any other organisation, in India or abroad;
 - (iv) to conceptualize, design and develop specific educational and research programmes, training programmes and exchange programmes for students, faculty members and others;
 - (v) to impart futuristic and holistic education at par with international standards to prepare the youth to face the global competition and to participate in shaping India to become a world leader;
 - (vi) to inculcate the values and philosophy of Indian ethos and learning heritage by developing and putting into practice highly qualitative and meaningful principles and systems integrating tradition and modernity in consonance with Indian culture;
 - (vii) to augment available global knowledge passed down the ages using oral and written learning route by researching, codifying

and preserving such knowledge for benefit of the future generations;

(viii) to benchmark with the quality standards of the world-class universities and institutions of higher learning for shaping the career and character of the youth, thereby making them matured professionals with holistic personality development balancing academic , physical, social, psychological, moral and spiritual facets of life;

(ix) to establish the following schools as constituent units of the University, namely :-

(a) School of Business;

(b) School of Accountancy;

(c) School of Information System;

(d) School of Economics;

(e) School of Social Sciences;

(f) School of Education;

(g) School of Law;

(h) School of Communication;

(i) School of Skill Development; and

(j) Subject to approval of the State Government any other schools as may be deemed fit:

Provided that the existing programme or courses offered by the Sponsoring Body shall be integrated into the respective schools;

(x) to disseminate knowledge through seminars, conferences, conventions, congress, executive education programmes, community development programmes, online education programmes, publications, and training programmes;

- (xi) to undertake programmes for the training and development of faculty members of the University and other institutions in India and abroad;
- (xii) to undertake collaborative research with any organisation in India and abroad;
- (xiii) to create higher levels of intellectual abilities;
- (xiv) to provide consultancy to industry, government, public and private Organisations;
- (xv) to ensure that the standard of Degrees, Diplomas, Charters, Certificates and other academic distinctions are not lower than those laid down by the University Grants Commission and other Regulatory Bodies, as the case may be;
- (xvi) to do all things necessary or expedient to promote the above objectives; and
- (xvii) to pursue any other objectives as may be approved by the State Government.

Powers of the University.

5. Subject to other provisions of this Act, the Regulations or Rules made there under or any other relevant laws for the time being in force and directions as may be issued, from time to time, by the Central Government, State Government or the Regulatory Body, the University shall have the following powers, namely:—

- (i) to establish Off-Campus Centres, as are, in the opinion of the University, necessary for furtherance of its objectives in conformity with the provisions of the University Grants Commission (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003;
- (ii) to establish and develop Schools as envisaged in clause (ix) of section 4;
- (iii) to carry out all such other activities as may be necessary and feasible in furtherance of the objectives of the University;

- (iv) to confer Degrees, Diplomas, Charters, Certificates or other academic distinctions and professional designations as envisaged under section 4 in the manner and under conditions laid down in the Regulations;
- (v) to confer Honorary Degrees or other Distinctions in the manner as may be prescribed in the Regulations;
- (vi) to withdraw or cancel Degrees, Diplomas, Charters, Certificates or other academic distinctions or titles in the manner as may be prescribed in the Regulations;
- (vii) to institute and award fellowships, scholarships, prizes etc., in accordance with the Regulations;
- (viii) to demand and receive such fees, bills, invoices and collect charges as may be fixed by the Rules or Regulations, as the case may be;
- (ix) to make provisions for extracurricular activities for students and employees;
- (x) to appoint faculty members, officers and employees of the University and Off-Campus Centres;
- (xi) to receive donations and gifts of any kind and to acquire, hold, manage, maintain and dispose off any movable or immovable property, including trust and endowment properties for the purpose of the University or an Off-Campus centre;
- (xii) to institute and maintain halls and/or hostels and to recognise places of residence for students of the University or Off-Campus Centres;
- (xiii) to supervise and control residence, and to regulate discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;

- (xiv) to create academic, administrative and support staff and other necessary posts;
- (xv) to co-operate and collaborate with other domestic and overseas Universities and Institutions in such manner and for such purposes as the University may determine from time to time;
- (xvi) to organise and conduct refresher courses, orientation courses, workshops, seminars, online programmes and other programmes for teachers, developers of course ware, evaluators and other academic staff;
- (xvii) to determine standards of admission to the University and Off-Campus Centres with the approval of the Academic Council;
- (xviii) to make special provision for students belonging to the State of Odisha for admission in any course of the University or Off-Campus Centres;
- (xix) to do all such other acts or things, which are incidental to the powers aforesaid, as may be necessary to further the objectives of the University;
- (xx) to prescribe such courses for Bachelor Degree, Master Degree, Master of Philosophy Degree, Doctoral and Post Doctoral Degrees and Research and such other Degrees, Diplomas, Charters, Certificates etc.;
- (xxi) to provide for preparation of instructional materials, including films, cassettes, tapes, video cassettes, CDs, VCDs, DVDs and such other software;
- (xxii) to recognise examinations or periods of study (whether in full or in part) of other Universities, institutions or other places of higher learning as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;

- (xxiii) to raise, collect, subscribe and borrow with the approval of the Board, whether or not on the security of the property of the University and, to raise money for the purposes of the University;
- (xxiv) to enter into, carry out, vary and or cancel contracts;
- (xxv) to receive grants from government and non-government sources for conducting research, studies, online programmes, training programmes, seminars, conferences, conventions, consulting etc.; and
- (xxvi) to do all things necessary or expedient to exercise the above powers.

University open to all classes, castes, creed, religion, language and gender.

- 6. (1) The University shall be open to all persons irrespective of class, caste, creed, religion, language, domicile and gender.
- (2) For the purpose of admission of students, the University shall provide reservation of fifty-per centum of seats for the students of Odisha subject to satisfying the minimum quality standards for admission test and interview:

Provided that any seat remaining vacant due to non-availability of required percentage of students of Odisha may be filled by other students with prior permission of the State Government:

Provided further that the reservation policy for Scheduled Tribe, Scheduled Caste, Socially and Educationally Backward Classes, Persons with Disability and Women issued by the State Government from time to time shall be applicable.

National Accreditation

- 7. The University shall seek, obtain and retain accreditation from respective national accreditation bodies and be subject to relevant provisions of the University Grants Commission Act, 1956 and the Regulations or Guidelines made thereunder, from time to time, relating to private Universities.

3 of 1956.

CHAPTER 3

AUTHORITIES AND OFFICERS OF THE UNIVERSITY

Authorities of
the University

8. The following shall be the authorities of the University, namely: –
- (a) The Board of Governors;
 - (b) The Academic Council;
 - (c) The Finance Committee; and
 - (d) such other authorities as may be declared by the Regulations to be the authorities of the University.

The Board of
Governors and
its powers.

9. (1) The Board of Governors of the University shall consist of the following members, namely: –
- (a) The President;
 - (b) The Vice-Chancellor;
 - (c) The Secretary to Government of Odisha, Higher Education Dept. or any other officer not below the rank of Joint Secretary nominated by the Secretary , who shall be the ex-officio member;
 - (d) Two representatives of the Sponsoring Body, to be nominated by the Chairman of the Trust;
 - (e) Two academicians, to be nominated by the Chairman of the Trust;
 - (f) Two industry experts, to be nominated by the President;
 - (g) Two experts in the field of Finance, Law, Management, Education or Civil Service, to be nominated by the President;
 - (h) One Dean from any discipline of the University, to be nominated by the President; and
 - (i) The Registrar of the University, who shall be the Member-Secretary of the Board.
- (2) The President shall be the Chairman of the Board.

- (3) The Board shall be the principal executive and governing body of the University and shall have the following powers, namely:-
- (a) to lay down policies to be pursued by the University;
 - (b) to review decisions of the other authorities of the University;
 - (c) to make new or additional Rules and Regulations or amend or repeal the earlier Rules and Regulation with the approval of the State Government;
 - (d) to consider and approve the budget, the annual accounts and the annual report of the University;
 - (e) to raise, collect, subscribe and borrow, whether or not on the security of the property of the University and, to raise money for the purposes of the University;
 - (f) to create or abolish posts of teachers and other employees of the University and fix their remunerations;
 - (g) to invest monies and funds of the University and take decision on the recommendations of the Finance committee;
 - (h) to appoint the Auditors of the University;
 - (i) to approve proposals for submission to the State Government;
 - (j) to take such decisions and steps as are found desirable for effectively carrying out the objectives of the University;
and
 - (k) to take decision about voluntary winding up of the University with the approval of the State Government.
- (4) The Board shall, with necessary documents, apprise the Sponsoring Body all resolutions and decisions it approves from time to time;

(5) The Board shall meet at least twice in a calendar year at such time and at such place as the President thinks fit.

(6) Save as otherwise provided in this section, the terms of the nominated members of the Board shall be three years from the date of such nomination.

Academic
Council

10. (1) The Academic Council shall consist of, –

(a) The Vice-Chancellor of the University who shall be the ex-officio Chairman of the Academic Council;

(b) Two Deans from any discipline of the University, by rotation, to be nominated by the Vice Chancellor;

(c) Two academicians, to be nominated by the President;

(d) One Professor from any discipline of the University, by rotation, to be nominated by the Vice Chancellor;

(e) Two external academicians or professionals, to be nominated by the President; and

(f) The Registrar of the University who shall be the ex-officio Member-Secretary of the Academic Council.

(2) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Rules and the Regulations, co-ordinate and exercise general supervision over the academic policies of the University and shall exercise such powers and perform such functions as may be prescribed.

(3) The terms of office of the members other than the ex-officio members shall be three years.

The Finance
Committee.

11. (1) The Finance Committee shall consist of –

(a) the Vice-Chancellor of the University who shall be the ex-officio Chairman of the Finance Committee;

(b) one member of the Board to be nominated by the President;

- (c) one representative of the Sponsoring Body, to be nominated by the Chairman of the Trust;
 - (d) one Dean of the University, by rotation, to be nominated by the Vice Chancellor;
 - (e) one expert in the field of Finance, to be nominated by the President;
 - (f) the Finance Officer; and
 - (g) the Registrar of the University who shall be the ex-officio Member-Secretary of the Finance Committee.
- (2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, Rules and Regulations, co-ordinate and exercise general supervision over the financial matters of the University and shall exercise such powers and perform such functions as may be prescribed.
- (3) The terms of office of the members other than the ex-officio members shall be three years

Other authorities.

12. The constitution, powers and functions of other authorities of the University shall be such, as may be prescribed.

Proceedings not invalidated on account of vacancy.

13. No act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

Officers of the University.

14. The following shall be the officers of the University, namely: –

- (a) The President;
- (b) The Vice-Chancellor;
- (c) The Pro-Vice-Chancellor
- (d) The Registrar;
- (e) The Deans of Schools;

- (f) The Controller of Examinations;
- (g) The Finance Officer; and
- (h) Such other officers as may be declared by the Regulations to be officers of the University.

The President and his powers.

15. (1) The Chairman of the Trust shall be the President of the University.
- (2) The President, during his absence, may, by order in writing, designate any other person to act as the President of the University, for such period and for such function and responsibilities as he may specify, who may be called as the Designated President.
- (3) The President shall be the head of the University.
- (4) The President shall preside over the convocation of the University for conferring Degrees, Diplomas, Charters, Designations, Certificates etc.
- (5) The President, or the Designated President referred to in subsection (2) above, shall preside over the meeting of the Board of Governors.
- (6) The President shall have the following powers, namely: –
- (a) to call for any information or record;
 - (b) to appoint the Vice-Chancellor and the Pro-Vice-Chancellor;
 - (c) to remove the Vice-Chancellor and the Pro-Vice-Chancellor; and
 - (d) such other powers as may be conferred on him by this Act, the Rules and the Regulations.
- (7) The Designated President shall perform all duties and exercise all powers, specifically delegated to him in writing by the President in his absence.

The Vice-Chancellor.

16. (1) The Vice-Chancellor shall be appointed by the President from a panel of three persons recommended by the Board of Governors and shall hold office for a term of three years. After expiration of the term of three years, the Vice-Chancellor shall be eligible for re-appointment for another term not exceeding three years.
- (2) The Vice-Chancellor shall be the Principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University and he shall report to the President.
- (3) If in the opinion of the Vice-Chancellor, it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officers or authority as would have in the ordinary course dealt with the matter:
- Provided that, if in the opinion of the concerned authority such action should not have been taken by the Vice-Chancellor, then such case shall be referred to the President, whose decision thereon shall be final:
- Provided further that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the President and the President may confirm or modify or reverse the action taken by the Vice-Chancellor.
- (4) If in the opinion of the Vice-Chancellor any decision of any authority of the University is outside the powers conferred by this Act, and Rules or Regulations or is likely to be prejudicial

to the interest of the University, he shall advise the concerned authority to revise its decision within seven days from the date of his advice and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within seven days, then such matter shall be referred to the President and his decision thereon shall be final.

- (5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be laid down by the Regulations and the Rules.
- (6) The Vice-Chancellor shall preside over the convocation of the University, in the absence of the President, for conferring Degrees, Diplomas, Charters, Designations, Certificates etc.
- (7) The President is empowered to remove the Vice-Chancellor after due enquiry and it will be open to the President to suspend the Vice-Chancellor during enquiry depending upon the seriousness of the charges, as he may deem fit.

The Pro-Vice-Chancellor

- 17. The Pro-Vice-Chancellor shall be appointed by the President in such manner, on such terms and conditions of service, and shall exercise such powers and perform such functions as may be prescribed.

The Registrar.

- 18. (1) The appointment of the Registrar shall be made by the President in such manner as may be prescribed.
- (2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.
- (3) The Registrar shall exercise such other powers and perform such other duties as may be prescribed or may be required from time to time by the Board of Governors or the President.
- (4) The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be

bound to place before the President, the Vice-Chancellor or any other authority, all such information and documents as may be necessary for transaction of their business.

- Deans of Schools. **19.** The Deans of Schools shall be appointed by the Vice-Chancellor with the approval of the Chairman of the Board in such manner and shall exercise such powers and perform such duties as may be prescribed.
- The Finance Officer. **20.** The Finance Officer shall be appointed by the President in such manner and shall exercise such powers and perform such duties as may be prescribed.
- The Controller of Examinations. **21.** The Controller of Examinations shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed.
- Other officers. **22.** The manner of appointment, terms and conditions of service and powers and duties of other officers of the University shall be such, as may be prescribed.

CHAPTER 4

RULES AND REGULATION

- Rules **23.** Subject to the provisions of this Act, the Rules may provide for all or any of the following matters, namely: –
- (a) admission of students to the University and their enrolment and continuance as such;
 - (b) the courses of study to be laid down for all Degrees, Diplomas, Certificates, Charters and other academic distinctions of the University;
 - (c) the award of Degrees, Diplomas, Certificates and other academic distinctions of the University;
 - (d) accounting policy and financial procedure;

- (e) the conditions for the award of fellowships, scholarships, studentships, medals and prizes;
- (f) the conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;
- (g) the fee to be charged for admission to the examinations, Degrees, Diplomas, Certificates and other academic distinctions of the University, including the revision thereof;
- (h) the fees to be charged for all other activities of the University including the revision thereof;
- (i) alteration of number of seats in different courses and programmes;
- (j) the conditions of residence of the students of the University;
- (k) maintenance of discipline among the students of the University; and
- (l) all other matters not specifically provided for in the Regulations and Rules under the Act.

Procedure of making Rules.

- 24.** (1) The Rules shall be made by the Board of Governors and the Rules so made shall be submitted to the State Government for its approval, which may, within six months from the date of receipt of the Rules, give its approval with or without modification.
- (2) Where the State Government fails to take any decision with respect to the approval of the Rules within the period specified under sub-section (1), it shall be deemed to have been approved by the State Government.

Power to amend Rules.

- 25.** The Board of Governors may, with the approval of the State Government, make new or additional Rules or amend or repeal any Rule.

Regulations.

26. Subject to the provisions of this Act and Rules , the Regulations may provide for all or any matter relating to the University, as given below: –

- (a) the constitution, powers and functions of the authorities and other bodies of the University not specified in the Act, as may be constituted, from time to time, and creation of new authorities of the University;
- (b) the operation of the Endowment Fund, the General Fund and the Development Fund;
- (c) the terms and conditions of appointment of the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar and the Finance Officer and their powers and functions;
- (d) the mode of recruitment and the conditions of service of other officers, teachers and employees of the University;
- (e) the procedure for resolving disputes between the University and its officers, faculty members, employees and students;
- (f) the creation, abolition or restructuring of departments and faculties;
- (g) the manner of co-operation and collaborations with other Universities, Institutions of higher learning, research institutions, professional bodies, industry associations, industry houses etc. in India or abroad;
- (h) the procedure for conferment of honorary degrees;
- (i) the provisions regarding grant of freeships and scholarships;
- (j) the number of seats in different courses of studies and the procedure of admission of students to such courses;
- (k) the fee chargeable from students for various courses of studies;
- (l) the institution of fellowships, scholarships, studentships, freeships, medals and prizes;

- (m) the procedure for creation and abolition of posts;
- (n) the management of the properties of the University; and
- (o) any other matters which may be prescribed.

Procedure for making Regulations.

- 27.** (1) The first Regulations shall be made by the Board, and shall be submitted to the State Government for its approval, which may, within six months from the date of receipt of the Regulations give its approval with or without modifications.
- (2) Where the State Government fails to take any decision with respect to the approval of the Regulations within the period specified under sub-section (1), it shall be deemed to have been approved by the State Government.

Power to amend the Regulations.

- 28.** The Board may make new or additional Regulations or amend or repeal any Regulation under intimation to the State Government.

Admission.

- 29.** (1) The admission procedure shall be in accordance with the norms and guidelines prescribed by the UGC or other Regulatory Bodies, as the case may be, depending on the course in which the students seek admission.
- (2) In the absence of the guidelines as under sub-section (1), admission in the University shall be made strictly on the basis of merit.
- (3) Merit for admission in the University may be determined on the basis of marks or grades obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities, and on the basis of marks or grades obtained in the entrance test conducted by an association of the Universities conducting similar courses or by any state or national level agency or by any agency of the State or Central Government.

(4) The admission shall be subject to the provision contained in sub-section (2) of section 6.

Fee structure.

30. (1) The University may, from time to time, prepare its fees structure in accordance with the norms and guidelines prescribed by the Regulatory Bodies depending on the course in which the students seek admission, subject to adherence to the fee control regulations of the State Government as applicable to Universities.
- (2) The University shall not charge any fees, by whatever name called, other than that for which it is entitled under the provisions of sub-section (1).
- (3) The University shall implement a scheme framed by the State Government for providing concession in fees payable to the University by the students belonging to the Scheduled Caste or the Scheduled Tribe Communities, Socially and Educationally Backward classes not belonging to creamy layers and economically weaker sections and come from the State of Odisha.

CHAPTER 5

MISCELLANEOUS

Conditions of service of employees.

31. (1) Every employee shall be appointed under a written contract, which shall be kept in the University and a copy of which shall be furnished to the employee concerned.
- (2) Disciplinary action against the students or employees shall be governed by procedure as may be prescribed.

Right to appeal.

32. Every employee or student of the University shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed, to the Vice Chancellor against the decision of any officer or authority below him and to the President against the decision of the Vice-Chancellor, and thereupon the President or the Vice-Chancellor, as

the case may be, may confirm, modify or change the decision appealed against.

- Provident fund and pension. **33.** The University shall constitute, for the benefit of its employees, such provident or pension fund and may provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed.
- Disputes as to constitution of University authorities and bodies. **34.** If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the President whose decision thereon shall be final.
- Constitution of committees. **35.** Any authority of the University mentioned in section 8 is empowered to constitute a committee of such authority, consisting of such members as such authority may deem fit, and having such powers as the authority may deem fit.
- Filling of casual vacancies. **36.** Any casual vacancy among the members, other than ex-officio members, of any Authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled, was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.
- Protection of action taken in good faith. **37.** (1) No suit or other legal proceedings shall lie against any officer or other employee of the University for anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act, the Rules or the Regulations.

(2) Nothing in sub-section (1) shall be a bar for filing suits, prosecutions or other legal proceedings for anything done in the provisions of this Act and the Rules or Regulations made there under and any other law for the time being in force.
- Endowment Fund. **38.** (1) The Sponsoring Body shall establish an Endowment Fund of Rupees five crores to be created in maximum four equal

instalments within a span of four years from the date of publication of this Act in the Odisha Gazette.

- (2) The amount of Endowment Fund shall be invested and kept invested until the dissolution of the University in public sector banks or in long term securities issued or guaranteed by the Government.
- (3) The University may transfer any amount from the General Fund to the Endowment Fund.
- (4) Except in case of dissolution of the University, in no circumstances can any money be transferred from the Endowment Fund for other purposes.
- (5) Out of the incomes received from the Endowment Fund, an amount not exceeding 75% shall be transferred to the general fund of the University and the remaining shall be reinvested in the Endowment Fund.

- General Fund. 39. (1) The University shall establish a General Fund to which the following amount shall be credited, namely: –
- (a) all fees which may be charged by the University;
 - (b) all sums received from any other source;
 - (c) all contributions made by the Sponsoring Body;
 - (d) all contributions or donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force; and
 - (e) all incomes received from the Endowment Fund subject to the provisions of the sub-section (5) of section 38.
- (2) The funds credited to the General Fund shall be applied to meet the following payments, namely: –
- (a) the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Regulations, and the Rules made thereunder;

- (b) the upkeep of the assets of the University;
- (c) the payment of the cost of audit of the fund;
- (d) meeting the expenses of any suit or proceedings to which the University is a party;
- (e) the payment of salaries and allowances of the officers and employees of the University, members of the teaching and research staff, and payment of any Provident Fund contributions, gratuity and other benefits to any such officers and employees, members of the teaching and research staff;
- (f) the payment of travelling and other allowances/expenses of the members of the Board of Governors, Academic Council, and other authorities so declared under the Regulations of the University and of the members of any Committee appointed by any of the authorities of the University in pursuance of any provision of this Act, or the Regulations, or the Rules made thereunder;
- (g) the payment of fellowships, freeships, scholarships, assistantships and other awards to students, research associates or trainees eligible for such awards under the Rules or Regulations of the University;
- (h) the payment of any expenses incurred by the University in carrying out the provisions of this Act, and the Rules or the Regulations;
- (i) the payment of cost of capital, not exceeding the prevailing bank rate of interest, incurred by the Sponsoring Body for setting up the University and the investments made thereof;
- (j) the payment of charges and expenditures relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act, the Rules, and the Regulations;

(k) the payment of any other expenses including management fee payable to any organisation charged with the responsibility of managing the University on behalf of the Sponsoring Body :

Provided that, no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year as may be fixed by the Board without the previous approval of the Board :

Provided further that, the General Fund shall be applied for the objectives specified under sub-section (2).

(l) Expenditure is to be made towards other development of the University.

Maintenance of fund. **40.** The funds established under sections 38 and 39 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner, as may be prescribed.

Annual Report. **41.** (1) The Annual Report of the University shall be prepared and submitted to the Board for its approval.
(2) The Board shall consider the Annual Report in its meeting and may approve the same with or without modification.
(3) A copy of the Annual Report duly approved by the Board shall be sent to the State Government on or before the 31st December following closure of the financial year on the 31st March each year.

Account. **42.** The annual accounts and Balance Sheet of the University shall be prepared under the direction of the Finance Committee and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.

- Audit
- 43.** (1) The annual accounts of the University shall be audited every year by chartered accountant, who is member of the Institute of Chartered Accountants of India.
- (2) The annual accounts, the Balance Sheet and the audit report shall be placed before the Board at its meeting for consideration and approval, and the Board shall forward the same to the State Government.
- Mode of proof of University record.
- 44.** A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.
- Delegation of Power.
- 45.** (1) Subject to the provisions of the Act and the Rules and Regulations made there under, any officer or authority of the University, except the Board, may, by order, delegate his or its powers, except the power to make Rules or Regulations, to any other officer or authority under his or its control subject to the condition that the ultimate responsibility for the exercise of the power so delegated shall continue to vest in the officer or authority delegating them.
- (2) Approval of the Board shall be obtained before delegation of such powers.
- Dissolution of University.
- 46.** (1) If the Sponsoring Body proposes dissolution of the University in accordance with the law governing its constitution or incorporation, it shall give at least three months' notice in writing to the State Government along with reasons for such dissolution in detail.

- (2) On dissolution of the University, all the assets and liabilities of the University shall vest in the Sponsoring Body, except the land, if any, leased out by the Government which shall be resumed by the Government.
- (3) On identification of mismanagement, mal-administration, indiscipline, failure in the accomplishment of the objects of the University and economic hardships in the management systems of the University, the State Government shall, subject to and in accordance with relevant law, if any, for the time being in force, issue directions to the Sponsoring Body of the University and if the direction are not followed within such time as may be prescribed, the right to take decision for dissolution of the University, shall vest in the State Government.
- (4) The manner of dissolution of the University would be such as may be prescribed by the State Government in this behalf.
- (5) If the State Government considers it necessary to suspend the Board, it shall, by notification published in the Official Gazette, order suspension of the Board and shall make such arrangements in consultation with the Sponsoring Body for the administration of the business of the University till the completion of investigation, as it may consider necessary:

Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Sponsoring Body.
- (6) On receipt of the notice referred to in sub-section (1) or on a decision to dissolve under sub-section (3), the State Government shall, in consultation with the All India Council for Technical Education, University Grants Commission and other concerned Regulatory Bodies of Central or State Government, make such arrangements for administration of the University from the proposed date of dissolution of the University until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed.

- Expenditure for the administration of the University during dissolution
47. (1) The expenditure for the administration of the University during the taken over period of its management under section 46 shall be met out of the Endowment Fund and the General Fund.
- (2) If the funds referred to in sub-section (1) are not sufficient to meet the expenditure of the University during the taken over period of its management, such expenditure may be met by disposing off the properties or assets of the University by the State Government.
- Power to issue directions.
48. The Government shall have powers to issue directions, from time to time, as may be required to be followed by the University under the provisions of this Act and the Rules or Regulation made there under and under any other law for the time being in force.
- Financial liability of the Government.
49. The Government shall not bear any financial liability for establishment of the University or for any action of the University or its officers or functionaries.
- Removal of Difficulties.
50. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notification or order published in the Odisha Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to be necessary or expedient, for removing the difficulty:
- Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.
- (2) Every order made under sub-section (1) shall, as soon as may be, after it is made, be laid before the State Legislative Assembly.

By Order of the Governor

SASHIKANTA MISHRA
Principal Secretary to Government